The Fourteenth Amendment

An Amendment to the U.S. Constitution that does not exist

Gordon Warren Epperly

http://tinyurl.com/zn8lqu9

Introduction

Over the years, many "*Scholars*" and "*Judges*" of the States of our Nation have written "*Treatises*" and "*Court Opinions*" exposing the fraud that went into the ratification of the Fourteenth (14th) Amendment to the Constitution for The United States of America. As these highly qualified Scholars and Judges have addressed the irregularities of the Amendment, these irregularities will not be rehashed.

For a review of the "*fraud*" that went into the Fourteenth (14th) Amendment, I direct you to the following "*Court Rulings*" and "*University Treatises*":

1. The 14th Amendment - A Treatise as authored by Judge Lander H. Perez
   (http://tinyurl.com/js5prhe)
   (http://tinyurl.com/hok7x3x)
   (http://tinyurl.com/guyeyx9)

2. The "*Unconstitutional 14th Amendment* and "*The Committee of States*"
   (http://tinyurl.com/j9wmh22)

3. Dyett v. Turner, 439 P2 d 266 @ 269, 20 U2d 403 (*The Supreme Court for the State of Utah exposes the 14th Amendment as a fraud.*)
   (http://tinyurl.com/juax77u)

4. State v. Phillips, 540 P2d 936 (*The Supreme Court for the State of Utah exposes the 14th Amendment as a fraud*.) (http://tinyurl.com/zag5006).

5. South Carolina Law Quarterly (*The 14th Amendment to the Constitution of the United States and the threat that it poses to our Democratic Government*.) (http://tinyurl.com/hxabjgu)

6. Tulane Law Review (*The Dubious Origin of the Fourteenth Amendment*.) (http://tinyurl.com/zsjnc3w)

7. U.S. Representative, Cordell Hull (*Congressional Record*) (http://tinyurl.com/hez8swz)

At the time those "*Treatises*" and "*Court Rulings*" were written, the "*Authors*" believed that as the U.S. Constitution is regarded as the "*Supreme Law*" of the land (see *U.S. Constitution, Article VI, Section 1, Clause 2*), only the "*Federal Judiciary*" had jurisdiction under U.S. Constitution, Article II, Section 2, Clause 1 to review the law of procedures as used in the ratification of Constitutional Amendments as set forth in Article V, Section 1, Clause 1 of the U.S. Constitution. This view was prominent until I, Gordon Warren Epperly, brought the question of ratification of the Fourteenth (14th) Amendment before the Federal Courts.

On or about November 02, 1990, I filed a "*Complaint*" (http://tinyurl.com/zztmfan) with the U.S. District Court for the District of Alaska that questioned the ratification of the Fourteenth (14th) Amendment to the U.S. Constitution and other issues. On or about April 30, 1991, the Court issued forth its "*Memorandum and Order*" (http://tinyurl.com/zl2nzun) wherein the Court stated:

> ". . . . the question of whether the fourteenth amendment has been properly ratified is a political question. Coleman v. Miller, 307 U.S. 433, 450 (1939). Political questions are those federal constitutional issues which courts do not address but leave to the legislative and executive branch of the federal government for resolution. Baker v. Carr, 369 U.S. 186, 217 (1962). Plaintiffs' fourteenth amendment claim, therefore, fails to state a claim upon which relief can be granted."

On or about November 24, 1992, the U.S. Court of Appeals, Ninth Circuit issued its unpublished "*Memorandum*" (http://tinyurl.com/jzebt66) upholding this "*Opinion*" of the U.S. District Court for the District of Alaska. The Appellate Court states in part:

> "The Epperlys also seek declaratory relief to the effect that the Fourteenth Amendment was never ratified. See E.R. p. 13 (Amended Complaint, p. 11). Such relief involves the evaluation of a political question which cannot be addressed by the courts. United States v. Stahl, 792 F.3d 1438, 1440-41 (9th Cir. 1986), cer. Denied, 479 U.S. 1036 (1987); see also United States v. Foster, 789 F.2d 457, 462-63 (7th Cir. 1986), cert. denied, 479 U.S. 883 (1986); Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983). Accordingly, the Epperlys' request for declaratory judgment was properly dismissed by the district court."

On or about [*filing date unknown*], a "*Petition for a Writ of Certiorari*" to the U.S. Court of Appeals, Ninth Circuit was filed with the U.S. Supreme Court (http://tinyurl.com/zntxygg) with that U.S. Supreme Court issuing forth a "*Court Order*" on October 04, 1993 (http://tinyurl.com/gsv4jar) dismissing the "*Petition*" without comment.

As all three Federal Courts have ruled that the question of ratification of Constitutional Amendments is a "*Political Question*" to which the legislative and executive branch of the federal government is left for resolution, the question as to who has the "*textually demonstrable constitutional commitment of the issue to a coordinate political department*" to resolved questions of ratification of Constitutional Amendments has never been addressed nor resolved.

Ratification of Constitutional Amendments as a Political Question

The leading Supreme Court case in the area of political question doctrine is *Baker v. Carr*, 369 U.S. 186, 217 (1962). In the opinion written for Baker, the Court outlined six characteristics of a political question. These include:

- A "textually demonstrable constitutional commitment of the issue to a coordinate political department; or"

- A "lack of judicially discoverable and manageable standards for resolving it; or"
- The "impossibility for a court's independent resolution without expressing a lack of respect for a coordinate branch of the government; or"
- The "impossibility of deciding the issue without an initial policy decision, which is beyond the discretion of the court; or"
- An "unusual need for unquestioning adherence to a political decision already made; or"
- The "potentiality of embarrassment from multifarious pronouncements by various departments on one question."

In an attempt to find answers to the "*Political Question Doctrine*" as that doctrine is being applied to U.S. Constitutional Amendments, I, Gordon Warren Epperly, began exhausting remedies by taking the question of ratification of Constitutional Amendments before the U.S. Congress, the U.S. Constitution, Article I Congressional Courts, and the Departments of the Executive Branch of Government.

The first phase was the U.S. Constitution, Article I Congressional Court of the "*United States Court of Federal Claims of Washington, D.C.*" wherein I filed a "*Complaint*" requesting the Court to make an investigation into the ratification of the U.S. Constitution, 14th Amendment. The authority relied upon for this request was my attempt to redefine the term "*Claims*" as used in 10 Stat. 612. The Court issued several "*Court Orders*" giving detailed reasons as to why the "*U.S. Court of Federal Claims*" was without jurisdiction to entertain questions of ratification of Constitutional Amendments. These "*Court Orders*" are of April 17, 1995 (http://tinyurl.com/jefht45), and May 04, 1995 (http://tinyurl.com/hudz30u), and June 12, 1995 (http://tinyurl.com/j8t67nb).

The second phase was my letter to the "*Archivist*" of the United States requesting an investigate into the ratification of the Fourteenth (14th) Amendment to the U.S. Constitution (http://tinyurl.com/hvg88rs), a letter that was followed up with a "*Complaint*" filed in the U.S. District Court for the District of Alaska for an "*Order in Nature of Mandamus*"

(http://tinyurl.com/jpe26cp). On or about March 03, 1998, Judge H. Russel Holland issued forth a "*Court Order*" (http://tinyurl.com/hsslsb2) wherein he declares:

> "Respondent [*U.S. Archivist*] submits that the petitioner's complaint must be dismissed because: (1) the archivist is not authorized to investigate the validity of the states' ratification of amendments to the United States Constitution; (2) petitioner seeks to compel relief outside the scope of mandamus; (3) declaratory judgment on which officer or department has authority to investigate the ratification of the Fourteenth Amendment is a non-justiciable political question; and (4) the United States has not waived sovereign immunity.
>
> "For the reasons and upon authorities set forth in respondent's motion (http://tinyurl.com/zy2dg6f), respondent's motion to dismiss is granted. The petitioner's motion for judgment on the pleadings is denied. . . . "

The third phase was my filing of a "*Complaint*" with the U.S. District Court for the District of Alaska naming the U.S. Congress as the Defendant (http://tinyurl.com/jo9ljhq). The purpose of this "*Complaint*" was to bring the U.S. Congress before the U.S. District Court to justify the enactments of the Reconstruction Acts of 1868. The Court issued "*Orders to Dismiss Case with Prejudice*" on April 17, 2006 and on May 04, 2006 (http://tinyurl.com/jjrz2e4).

The forth phase was my filing of a "*Petition*" for an "*Order in Nature of Mandamus*" in the U.S. District Court for the District of Alaska or about June 11, 2007 to be issued upon "*Allen Weinstein*" as "*Archivist*" of the United States (http://tinyurl.com/gwlduda). The Court was moved to compel the "*Archivist*" of the United States to correct the record of the States that cast votes of "*rejection*" on the Fourteenth (14th) Amendment to the U.S. Constitution. On motion of the Respondent, Allen Weinstein, the Court issued forth a "*Court Order*" dismissing the case (http://tinyurl.com/zq4n7k5).

The fifth phase was my approach to the U.S. Congress for a "*Congressional Hearing*" regarding the ratification of the Fourteenth (14th) Amendment to the U.S. Constitution as it was the position of the "*Archivist*" of the United States that the U.S. Congress is the authority to review the ratifications of Constitutional Amendments (http://tinyurl.com/zv7g82l).

As with other "*Petitions*" as submitted by several States of the Union over the years, my "*Petition*" was withheld from review of the "*U.S. Senate Sub - Committee on the Constitution*" on personal grounds of "*U.S. Senator Orrin Hatch*" of the State of Utah (http://tinyurl.com/hstolc4). The Congressional Record shows that all the "*Petitions*" that have been submitted to the U.S. Congress by the States of the Union were read and ordered to lay on the table without any further action taken. In otherwords, the U.S. Congress has informed the "*Legislatures*" and "*People*" of the States that the question of ratification of the Fourteenth (14th) Amendment is a "*Political Question*" to which the U.S. Congress has no authority to address leaving the U.S. Congress without jurisdiction to review procedures taken in the ratification of Constitutional Amendments. Below are a few of those "*Petitions*" that were submitted to the U.S. Congress:

1. The "*Petition*" of Gordon Warren Epperly (http://tinyurl.com/h7246t6). It is the position of U.S. Senator Orrin Hatch (http://tinyurl.com/hstolc4) that an invalid Amendment would have to be "*repealed*" by another Constitutional Amendment. This view is an error for any Amendment that was not adopted in accordance to the provisions of Article V of the U.S. Constitution is not, and never has been, an Amendment to the U.S. Constitution regardless of its purported acceptance. The views of U.S. Senator Frank H. Murkowski (http://tinyurl.com/jmfq4zv), U.S. Senator Ted Stevens, and U.S. Representative, Don Young (AK) (http://tinyurl.com/zrkvzxl), are more radical than that of U.S. Senator, Orrin Hatch.

2. The speech of U.S. Representative, Cordell Hull (http://tinyurl.com/hez8swz), as recorded in the Congressional Record, explains that once the U.S. Congress has proposed a Constitutional Amendment, the U.S. Congress ceases to have authority or jurisdiction over the ratification of those Constitutional Amendments:

> "Hence it follows that Congress has no power in the premises after it has once proposed an amendment to the States as the Constitution provides, not even of recalling the amendment; therefore the passage of any resolution by Congress declaring that a given amendment has or has not been duly ratified by the States, such as was done with respect to the fourteenth amendment, is ultra vires and void."

3. State of Georgia Senate Resolution No. 39 (http://tinyurl.com/75b96t9).

> *"A memorial to Congress of the United States of America urging them to enact such legislation as they may deem fit to declare that the 14th and 15th Amendments to the Constitution of the United States were never validly adopted and that they are null and void and of no effect."*

4. State of New Jersey Senate Joint Resolution No. 1 (http://tinyurl.com/hulhg2x).

> *"JOINT RESOLUTIONS withdrawing the consent of this State to the proposed amendment to the Constitution of the United States, entitled article fourteen, and rescinding the joint resolution approved September eleventh, anno Domini eighteen hundred and sixty-six, whereby it was resolved that said proposed amendment was ratified by the legislature of this State."*

5. Joint Resolution of the Legislature of Oregon withdrawing assent to the proposed Fourteenth Constitutional Amendment (http://tinyurl.com/hyuvju7).

> *". . . And whereas the newly constituted and newly established bodies, avowing themselves to be, and acting as the legislatures respectively of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia, were created by a military despotism against the will of the legal voters of the said States, under the reconstruction acts (so called) of Congress, which are usurpations, unconstitutional, revolutionary, and void; and consequently the acts of such bodies cannot legally ratify the said proposed constitutional amendment for the States which they pretend to represent, nor affect the rights of the other States of the Union; . . ."*

6. Argument of "*Hon. T. U. Sisson*" of the State of Mississippi in behalf of H.J. RES 165 that was before the "*COMMITTEE ON THE JUDICIARY U. S. HOUSE OF REPRESENTATIVES*" on March 21, 1910 (http://tinyurl.com/gtfk5zx).

> *"VALIDITY OF FOURTEENTH AND FIFTEENTH AMENDMENTS TO THE CONSTITUTION"*

Textually Demonstrable Constitutional Commitment Of The Issue

As all three branches of the national government of The United States of America have been found to be without "*textually demonstrable constitutional commitment of the issue to a coordinate political department*" to inquire into or rule upon

the ratification of "*Amendments*" to the Constitution for The United States of America, then the question must be asked: *Who has the authority*?

The answer may be found within Article V, Clause I, Section 1 of the U.S. Constitution:

> "The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; . . . " [*Emphasis added*].

According to this provision of the U.S. Constitution, only the States of the Union (*in and through its Legislators*) have authority to "*Amend*" and make alterations to the U.S. Constitution. **Only the "*Legislators*" of the States have the "*textually demonstrable constitutional commitment of the issue*" to ratify and adopt "*Amendments*" to the U.S. Constitution**. The U.S. Congress is limited to the "*proposing*" of Constitutional Amendments, having no authority in making its "*proposed*" Amendments a part of the U.S. Constitution (*as was done in with the purported ratification of the Fourteenth (14th) and Fifteenth (15th) Amendments*).

As the U.S. Congress' authority over Constitutional Amendments is severely restricted and limited to the "*proposing*" of Amendments, no authority may be found within Article V, Clause I, Section 1 of the U.S. Constitution (*or any other provision of the U.S. Constitution*) for the U.S. Congress to make inquiries into or declare the "*validity*" of the Fourteenth (14th) and Fifteenth (15th) Amendments (*or any other Amendments to the U.S. Constitution*). With the "*Legislatures*" of the States being the only body of government that has been granted the "*textually demonstrable constitutional commitment of the issue*" to amend the U.S. Constitution, it is

the "*Legislatures*" of the States that have the constitutional authority and duty to determine the validly of ratification of Constitutional Amendments.

A Historical Review of the Fourteenth (14th) Amendment

During the years that the Fourteenth (14th) and Fifteenth (15th) Amendments were before the States for ratification, we see that the U.S. Supreme Court ruled in the case of "*State of Texas v. White, 74 U.S. 700*" (http://tinyurl.com/jv4nzua) that the "*Southern (Confederate) States*" had legitimate governments before, during, and after the "*Civil War.*" We also see that the U.S. Congress of 1861 had proclaimed the same (http://tinyurl.com/hjlvk2p):

> "**RESOLUTION of U.S. Senator, Johnson dated July 24, 1861**
> [http://tinyurl.com/hjlvk2p]
>
> "*Resolved*, That the present deplorable civil war has been forced upon the country by disunionists of the southern States now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."

The U.S. Congress also recognized those "*Southern (Confederate) States*" as having legitimate governments after the "*Civil War*" when the U.S. Congress submitted the "*Thirteenth (13th) Amendment* to those "*Southern (Confederate) States*" for "*ratification*" and acceptance of their "*ratification votes*." This was about to change when it came to the ratification of the Fourteenth (14th) and Fifteenth (15th) Amendments to the U.S. Constitution.

When the Fourteenth (14th) Amendment was submitted to the States for ratification, the "*Southern (Confederate) States*" **rejected** the Amendment. With the negative ratification votes of the "*Southern (Confederate) States*," the Amendment failed passage for want of obtaining the required three-fourths (¾) votes needed for ratification of Constitutional Amendments. The failed ratification of the Fourteenth (14th) Amendment caused the U.S. Congress of the "*Northern (Union) States*" to declare the "*Southern (Confederate) States*" as not having legitimate governments (http://tinyurl.com/z53szcj) and without authority to participate in the adoption of Constitutional Amendments (http://tinyurl.com/gql2gou). The U.S. Congress of "*Northern (Union) States*" declared that the "*Statehood*" status of the "*Southern (Confederate) States*" have been "*dissolved*" and had replaced the "*republican form of government*" of those States with "*Military Districts*" of the U.S. Congress (http://tinyurl.com/z53szcj), (http://tinyurl.com/gnslm6j). The actions of the "*Northern (Union) States*" in dissolving the "*statehood status*" of their sister "*Southern (Confederate) States*" was done without lawful authority for said actions were in violation the perpetual "*Union*" agreement compact as entered into by the States under the "*Articles of Confederation*" (*see Article XIII of the Articles of Confederation of 1778 [http://tinyurl.com/hztsmc9]*).

- "**RESOLUTIONS of U.S. Senator Sumner dated December 5, 1866** [http://tinyurl.com/gql2gou]

  "RESOLUTIONS declaring the true principles of reconstruction; the jurisdiction of Congress over the whole subject; the illegality of existing governments in the rebel States, and the exclusion of such States, with such illegal governments, from representation in Congress and from voting on constitutional amendments.

  "*Resolved,* 1. That in the work of reconstruction it is important that no false step should be taken interposing obstacle or delay; but that, by careful provisions, we should make haste to complete the work, so that the unity of the republic shall be secured on permanent

foundations, and fraternal relations shall be once more established among all the people thereof,

"3. That this work of reconstruction must be conducted by Congress and under its constant supervision; that under the Constitution Congress is solemnly bound to assume this responsibility; and that, in the performance of this duty, it must see that everywhere throughout the rebel communities loyalty is protected and advanced, while the new governments are fashioned according to the requirements of a Christian commonwealth, so that order, tranquility, education, and human rights shall prevail within their borders. [*Emphasis added*].

"6. That it is the duty of Congress to proceed with the work of reconstruction, and to this end it must assume jurisdiction of the States lately in rebellion, except so far as that jurisdiction may have been already renounced, and it must recognize only the loyal States as those States having legal and valid legislatures as entitled to representation in Congress, or to a voice in the adoption of constitutional amendments." /[1] [*Emphasis added*].

- "**THIRTY-NINTH CONGRESS. Sess. II. Ch. 153**
  [http://tinyurl.com/z53szcj]

  "Whereas no legal State governments or adequate protection for life or property no exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; … [*Emphasis added*].

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

---

[1]/ This is a statement that the "*Southern (Confederated) States*" were no longer States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified. With Article I, Section 3, Clause 1 of the U.S. Constitution mandating that the U.S. Senate shall comprise of two (2) Senators from every State in the Union and with Article V of the U.S. Constitution declaring that no State may be denied its suffrage in the Senate without its consent, there is no authority for any State (*individually or in a compact*) to deny their sister States of their rights to participate in Congressional Debates on the adoption of Constitutional Amendments.

rebel States shall be divided into military districts and made subject to the military authority of the United States … /[2] [*Emphasis added*].

"Sec. 5. … and when said State [*Military District*], by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as article fourteen and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, /[3] … *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person for members of such convention. [*Emphasis added*].

"Sec. 6. *And be it further enacted*, 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 /[4] … [*Emphasis added*].

"SCHUYLEER COLFAX, Speaker of the House of Representatives
"LA FAYETTE S. FOSTER, President of the Senate, pro tempore."

---

[2]/ This is a statement that the "*Southern (Confederated) States*" had their statehood status dissolved. The "*Military Districts*" of the United States have no "*Republican Form of Governments*" and therefore they are not States of the Union. (*see "Congressional Guarantee" for the States to have a "Republican Form of Government" at U.S. Const., Article IV, Sect. 4, Cl. 1*).

[3]/ This is another statement that the "*Southern (Confederated) States*" were not States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified. First, no State may be compelled under duress to cast "*ratification votes*" for Constitutional Amendments; and second, no State may impose additional conditions for representation in the U.S. Congress other than what is specified in the U.S. Constitution itself.

- "**FORTIETH CONGRESS. Sess. I. Ch. 30**
  [http://tinyurl.com/gnslm6j]

  "... [*Rebel States*] were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress. [*Emphasis added*].

  "Sec. 2. *And be it further enacted*, That the commander of any district named in said act [*Act of March 02, 1867*] shall have power, ... to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof, /[5] and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or soldier or the army, or by the appointment of some other person, to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise. [*Emphasis added*].

---

[4]/ Here again is another statement that the "*Southern (Confederated) States*" were not States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified. Looking to the U.S. Constitution, where may we find the authority that authorizes the U.S. Congress to enact "*Laws*" over and above the provisions of the U.S. Constitution for the admission of a sister State into representation of the U.S. Congress? Where may we find within the U.S. Constitution that a State must ratify "*Constitutional Amendments*" as a condition of representation in the U.S. Congress?

[5]/ Here is another statement that the "*Southern (Confederate) States*" were not States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified. What this statement says is that the "*Commanders*" of "*Military Districts*" have absolute dictatorial powers over the People. There are no "*Civil*" republican form of governments within the "*Southern (Confederate) States*" as mandated by U.S. Const., Art. IV, Sect. 3, Cl. 1 and therefore said "*Military Districts*" **are not** States of the Union.

"Sec. 10. *And be it further enacted*, That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States. [*Emphasis added*].

"SCHUYLER COLFAX, Speaker of the House of Representatives.
"B. F. WADE, President of the Senate pro tempore."

- "**FORTIETH CONGRESS. Sess. II. Res. 58, July 20, 1868**
[http://tinyurl.com/jqena47]

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That none of the States whose inhabitants were lately in rebellion shall be entitled to representation in the electoral college for the choice of President or Vice-President of the United States, /[6] nor shall any electoral votes be received or counted from any of such States, unless at the time prescribed by law for the choice of electors the people of such States, pursuant to act of Congress in that behalf, shall have, since the fourth day of March, eighteen hundred and sixty-seven, adopted a constitution of State government /[7] under which a State government shall have been organized and shall be in operation, nor unless such election of electors shall have been held under the authority of such constitution and government, and such State

---

[6]/ This "*Act*" of Congress is a statement that the "*Southern (Confederate) States*" were dissolved of their "*Statehood*" status. The U.S. Constitution mandates that it shall be the duty of the States (*without exception*) to determine the qualifications and selection of its "*Electors*" for President and Vice-President (*U.S. Const., Art. II, Sec. 1, Cl. 2*). Nowhere may it be found with U.S. Constitution that the U.S. Congress has been empowered to state otherwise. As the "*Southern (Confederate) States*" were not allowed to exercise their duty of selecting "*Electors*" is further evidence that the "*Southern (Confederate) States*" were not States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified.

[7]/ This statement that "*State Constitutions*" must be adopted is a statement that the "*Southern (Confederate) States*" were not States of the Union at the time the Fourteenth (14th) Amendment was purportedly ratified. Keep in mind that every State was proclaimed to have a "*republican form of government*" at the time they were admitted into the Union which leaves the question: "*At what period of time in history did those 'Southern (Confederate) States' lose their republican form of governments that would require new "State Constitutions" to be adopted*?"

shall have also become entitled to representation in Congress, pursuant to the acts of Congress in that behalf: *Provided …*" /[8]

The most repulsive abuse among a long train of abuses of the U.S. Constitution by the U.S. Congress of the "*Northern (Union) States*" was the "*Order*" (http://tinyurl.com/j7yqwe4) which was issued upon U.S. Secretary of State, William H. Seward, to count the "*votes of ratification*" as cast by "*Military Districts*" as votes cast by States of the Union (http://tinyurl.com/j7yqwe4):

> "Mr. Sherman submitted the following resolution, which was considered, by unanimous consent, and agreed to, as follows:
>
> "Whereas the legislatures of the States of [*naming them including the Military Districts of the southern States*], being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States duly proposed by two-thirds of each house of the thirty-ninth Congress: Therefore,
>
> "*Resolved by the Senate*, (the House of Representatives concurring,) That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State."

Please keep in mind that the U.S. Congress of the "*Northern (Union) States*" declared that the statehood status of the "*Southern (Confederate) States*" shall not be restored until the occupying "*Military Districts*" have ratified the Fourteenth (14th) Amendment to the U.S. Constitution (http://tinyurl.com/z53szcj), (http://tinyurl.com/zvum83n) and as such, there were no "*Southern (Confederate) States*" in existence at the time the U.S. Congress of the "*Northern (Union) States*" ordered the U.S. Secretary of State to issue forth a "*Proclamation of Ratification*" (http://tinyurl.com/zzyvwdm) declaring

---

[8]/ Since when and where may it be found within the U.S. Constitution that a "*State*," (*individually or in a compact of "States,"*) may invoke additional qualifications that are over and above those which they themselves exercised as a qualification for office of the U.S. Congress?

that the Fourteenth (14th) Amendment was ratified by more than three-fourth (¾) of the States in the Union. The U.S. Congress was without authority to convert the "*votes*" cast by "*Military Districts*" into votes cast by States of the Union. The "*Military Districts*" of the U.S. Congress are not States of the Union no more than the "*Territories*," the "*District of Columbia*," or any other property or possessions of the United States are States of the Union. Furthermore, the U.S. Congress was without constitutional authority to convert the "*negative ratification votes*" as cast by the "*Southern (Confederate) States*" into "*ratification votes.*"

Have the States of the Union exercised its "*textually demonstrable constitutional commitment of the issue*" to review and declare the invalidity of Fourteenth (14th) Amendment?

Has the constitutionality of the ratification of the Fourteenth (14th) Amendment to the U.S. Constitution been reviewed by the States of the Union? The answer to this question may be found in the numerous House and Senate Journals of the "*Southern (Confederate) States*" and other sources:

1. State of New Jersey was admitted to the Union on December 18, 1787 as the 3rd State. In regard to the Fourteenth (14th) Amendment; the State of New Jersey submitted its objections to the Congress of the United States on March 27, 1868 (*New Jersey Acts, March 27, 1868*), (http://tinyurl.com/hulhg2x) and by "*Resolution*":

> "... 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 the said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven States of the Union, upon the pretense that there were no such States in the Union; but, finding that two-thirds of the remainder of 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.

"The object of dismembering the highest representative assembly in the nation, and humiliating a State of the Union, faithful at all times to all its obligations, and the object of said amendment, were one – to place new and unheard of powers in the hands of a fraction, that it might absorb to itself all executive, judicial, and legislative power, necessary to secure to itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people.

"The subsequent usurpations of these once national assemblies, in passing pretended laws for the establishment, in ten States, of martial law, which is nothing but the will of the military commander, and therefore inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a fraction in those assemblies; the attempt to commit to one man arbitrary and uncontrollable power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand the President's orders, and to certify military orders to be "by the direction of the President," when they are notoriously known to be contrary to the President's direction, thus keeping up the *forms* of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander-in-chief, and suppressing one of the great departments of the government, that of chief, and suppressing one of the great departments of the government, that of the executive; the attempt to withdraw from the supreme judicial tribunal of the nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the chief function of that august tribunal, as organized by the fathers of the republic; all are but amplified explanations of the power they hoped to acquire by the adoption of the said amendment. . . ."

2. State of Alabama was admitted to the Union on December 14, 1819 as the 22nd State. In regard to the Fourteenth (14th) Amendment; the State of Alabama submitted its objections to the Congress of the Unite States in the year of 1866 (*Alabama House Journal 1866, pgs. 211-213*), (http://tinyurl.com/zjh2mk5).

"Whereas, Alabama, for the last twelve months and more, has been re-organized and considered by every department of the Government of the United States as a State in the Union, except that her Senators and Representatives have not been admitted to their seats in Congress, and participation in the councils of the nation –

"AND WHEREAS, There is now submitted to the consideration of the General Assembly of the State an amendment to the Constitution of the United States; therefore –

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

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

"....

"The Senate joint resolution was adopted, Yeas 69; nays 8."

3. State of Florida was admitted to the Union on March 3, 1845 as the 27th State. In regard to the Fourteenth (14th) Amendment; the State of Florida submitted its objections to the Congress of the United States on December 5, 1866 (*Florida House Journal, 1866, pg. 76*), (http://tinyurl.com/jfhdeh8).

"The first section of this amendment, considered in connection with the fifth, is virtually an annulment of State authority in regard to rights of citizenship. It invests the Congress of the United States with extraordinary power at the expense of the States. It would so operate that under its provisions all persons, without distinction of color, would become entitled to the "privileges and immunities" of citizens of the States, and among those privileges would be embraced the elective franchise, as well as competency to discharge the duty

of jurors. In addition to this, without denying to the State the power and right to legislate and to control to some extent the liberty and property of the citizen, it vests in the General Government the power to annul the laws of a State affecting the life, liberty and property of its people, if Congress should deem them subject to the objections therein specified. The change which this section proposes, affects the general interests of the people of the United States, and we are unable to see upon what grounds, independent of the fact that it was a party measure, it could have recommenced itself to any State in the Union. Its tendency is to the complete consolidation of the government – result which should not be desired by any person or party really anxious to promote the best interests of the Union – and it is to us a matter of great surprise that any State should voluntarily and cheerfully invest Congress with such extraordinary powers, affecting the internal interests of its own people. The legislative branch of the General or State Governments is always affected to a great extent by the prejudices and passions of the hour, and the knowledge of the present should teach our sister States North not to invest the popular branch of the government with such power, for it might perhaps in the future result in their own destruction. The general welfare and interest of the people should not be made subject to its unqualified and absolute control.

"A ratification of these sections would virtually destroy that system of government instituted by our forefathers which it is our earnest desire to perpetuate, and which we do not think can be improved by incorporation into the Constitution of the United States clauses couched in such general and questionable language as the first and fifth sections of the proposed amendment.

"The second section proposes to the Southern States either to deprive themselves of a great portion of their political power and decrease their representation in Congress, or so change their present Constitutions and laws as to invest the negro with the elective franchise.

"…..

"Your Committee, for these reasons among others, recommend that the House of Representatives do not ratify the proposed amendment.

All of which is respectfully submitted.

JAMES D. WESTCOTT, Jr., Chm's,
WALTER T. SAXON,
F. C. BARRETT,
ANDERSON PEELER,
JOHN McLELLAN,

4. State of Georgia was admitted to the Union on January 2, 1788 as the 4th State. In regard to the Fourteenth (14th) Amendment; the State of Georgia submitted its objections to the Congress of the United States on November 9, 1866 (*Georgia House Journal, Nov. 9, 1866, pgs. 66-67*), (http://tinyurl.com/j2s4b7w) and by "*Resolution*":

"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 would never have been proposed to the States. Two thirds of the whole Congress never would have proposed to eleven States

voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity, and patriotism of eleven co- equal States."

5. State of Louisiana was admitted to the Union on April 30, 1812 as the 18th State. In regard to the Fourteenth (14th) Amendment; the State of Louisiana submitted its objections to the Congress of the United States on June 13, 1967 (*Louisiana H. Con. Res. 208 [Congressional Record, House, 06/13/1967, pgs. 15641-15646]*), (http://tinyurl.com/hok7x3x), (http://tinyurl.com/zv377x5), (http://tinyurl.com/z3akrxp):

H. CON. RES. 208

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

"Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted In accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said Resolution was not presented to the President of the United States in order that the same should take effect, as required by Article 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, 1868, expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three-fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected 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."

6. State of Oregon was admitted to the Union on February 14, 1859 as the 33rd State. In regard to the Fourteenth (14th) Amendment; the State of Oregon submitted its objections to the Congress of the United States on October 26, 1870 (*SENATE Misc. Doc. No. 56, 41st Congress, 3d Session, 02/08/1871*), (http://tinyurl.com/hyuvju7):

"*Be it resolved by the legislature assembly of the State of Oregon*, That the above recited resolution adopted by the legislative assembly on the 19th day of September, 1866, by fraud, be, and the same is hereby rescinded, and the ratification on behalf of the State of Oregon of the above recited proposed amendment to the Constitution of the United States is hereby withdrawn and refused.

"*Resolved*, That any amendment to the Constitution of the United States on the subject of representation should be proposed by a Congress in which all the States are represented, or by a convention of all the States, where each could be heard in the proposing, as well as in the subsequent ratification of such amendment.

"*Resolved*, That the secretary of state be directed to forward certified copies of the foregoing preamble and resolutions, without delay,

to the States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States.

"Adopted by the house October 15, [1868]

"JOHN WHITEAKER, Speaker.

"Adopted by the senate October 6, [1868]

"B. F. BURCH, President."

7. State of Texas was admitted to the Union on December 29, 1845 as the 28th State. In regard to the Fourteenth (14th) Amendment; the State of Texas submitted its objections to the Congress of the United States on October 15, 1866 (*Texas House Journal,* 1866, pg. 577), (http://tinyurl.com/zo8g4p8) and by "*Resolution*":

> "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."

8. State of Arkansas was admitted to the Union on June 15, 1836 as the 25th State. In regard to the Fourteenth (14th) Amendment; the State of Arkansas submitted its objections to the Congress of the United States on December 17, 1866 (*Arkansas House Journal, 1866, pg. 287*), (http://tinyurl.com/hgw9zvc) and by "*Resolution*":

> "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."

9. State of Florida, was admitted to the Union on March 3, 1845 as the 27th State. In regard to the Fourteenth (14th) Amendment; the State of Florida submitted its objections to the Congress of the United States on December 5, 1866 (*Florida House Journal, 1866, pg. 76*), (http://tinyurl.com/jfhdeh8) and by "*Resolution*":

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

10. State of North Carolina was admitted to the Union on November 21, 1789 as the 12th State. In regard to the Fourteenth (14th) Amendment; the State of North Carolina submitted its objections to the Congress of the United States on December 6, 1866 (*North Carolina Senate Journal, 1866-67, pgs. 92 and 93*), (http://tinyurl.com/hs65gs3):

> "A number of radical changes in the fundamental law of the country are proposed to be embraced in one Article, and to be accepted or rejected together, and if but one of these Amendments is disapproved, this General Assembly will be under the necessity of rejecting all; leaving no alternative of accepting some of the Sections in the proposed Article and rejecting others; and it is submitted that this mode of amending the Constitution of the United States is unwise, and without precedent, and ought not to find favor in any portion of this great nation.
>
> "The Committee entertain the opinion that this proposition has not been submitted in a constitutional manner, and in pursuance of the forms prescribed by the Constitution. North Carolina, and her ten sister seceding States, have been repeatedly recognized *as States in the Union*, by all the Departments of the Federal Government, both during and since the war. *Congress* did this by the Resolutions of July, 1861, which declared that "the object of the war was not for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established

institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired." And again: by an Act apportioning taxation among the States; by an Act assigning them their respective numbers of Representatives; by an Act at the last session re-adjusting the Federal Judicial Circuits; by accepting as valid the assent of Virginia to the division of that State, and thereupon establishing the State of West Virginia; and by other Acts. The *Judiciary* has recognized them by hearing and deciding causes carried up from their Courts. The *Executive* has done so by approving the aforesaid Acts of Congress. This recognition of them as States in the Union is *now repeated* by the Federal Government, in submitting to them for ratification the pending proposition of Amendment, since only States in the Union can vote on such a question.

"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, with-out its consent, shall be deprived of its equal suffrage in the Senate." The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence to 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. Had they voluntarily relinquished the exercise of their right and privilege in this matter, as they had done in the case of the late Amendment respecting slavery, they would, perhaps, be estopped from objecting to the regularity of the proceeding. But as their Senators and Representatives elect were seeking admission to their seats and were deprived of them against their consent, the subject is presented in a different light.

"If the votes of those 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. And it is submitted that this irregularity, in the initiative step, would make the amendment of doubtful validity, even if ratified.

"....

"For the reasons submitted in this report, the Committee respectfully recommends the adoption of the following resolution to wit:

"*Resolved*, That the General Assembly of the State of North Carolina do not ratify the Amendment proposed as the fourteenth Article of the Constitution of the United States."

"J. M. LEACH, *Chairman*,	"ARCH. McLEAN,
"HENRY T. CLARK,	"PHILLIP HODNETT,
"H. M. WAUGN,	"JOHN M. PERRY,
"JOS. J. DAVIS,	"J. MOREHEAD, Jr.,
"THOS. S. KENAN,	"D. A. COVINGTON,
"J. P. H. RUSS,	"W. D. JONES."

11. State of South Carolina was admitted to the Union on May 23, 1788 as the 8th State. In regard to the Fourteenth (14th) Amendment; the State of South Carolina submitted its objections to the Congress of the United States on November 27, 1866 (*South Carolina House Journal*, 1866, pgs. 33 and 34), (http://tinyurl.com/j6dnmvl) and by "*Resolution*":

"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."

12. State of Utah was admitted to the Union on January 4, 1896 as the 45th State. In regard to the Fourteenth (14th) Amendment; the State of Utah, in and through its Supreme Court (http://tinyurl.com/gvdvy38) and State v. Phillips, (540 P2d 936) (http://tinyurl.com/zag5oo6).

At the time the U.S. Constitution, Fourteenth (14th) Amendment was purportedly ratified on July 9, 1868 and certified on July 28, 1868; the following States had no lawful governments of a State and were not States of the Union (*representing more than one-fourth (¼th) of the States in the Union*) :

1. State of Arkansas >>> >>> March 2, 1867 to June 22, 1868:

   - "**FORTHIETH CONGRESS. Sess. II. Ch. 69**
     [http://tinyurl.com/jhbzw7v]

     "**June 22, 1868**

     "CHAP. LXIX. – An Act to admit the State of Arkansas to Representation in Congress

     "…"

2. State of Virginia >>> >>> March 2, 1867 to January 26, 1870:

   - "**FORTY-FIRST CONGRESS. Sess. II. Ch. 10**
     [http://tinyurl.com/zzoaugj]

     "**Jan. 26, 1870**

     "CHAP. X. – *An Act to admit the State of Virginia to Representation in the Congress of the United States.*

     "…"

3. State of Texas >>> >>> March 2, 1867 to March 30, 1870:

- "**FORTY-FIRST CONGRESS. Sess. II. Ch. 39**
  [http://tinyurl.com/j8bf2qm]

  "**March 30, 1870**

  "CHAP. XXXIX. – An Act to admit the State of Texas to Representation in the Congress of the United States."

  "…"

4. State of North Carolina >>> March 2, 1867 to June 25, 1868;
5. State of South Carolina >>> March 2, 1867 to June 25, 1868;
6. State of Louisiana >>> >>> March 2, 1867 to June 25, 1868;
7. State of Georgia >>> >>> March 2, 1867 to June 25, 1868;
8. State of Alabama >>> >>> March 2, 1867 to June 25, 1868;
9. State of Florida >>> >>> March 2, 1867 to June 25, 1868:

- "**FORTIETH CONGRESS. Sess. II. Ch. 70**
  [http://tinyurl.com/zvum83n]

  "**June 25 1868**

  "CHAP. LXX. – *An Act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to Representation in Congress.*

  "…"

10. State of Mississippi >>> >>> March 2, 1867 to February 23, 1870:

- "**FORTY-FIRST CONGRESS. Sess. II. Ch. 19**
  [http://tinyurl.com/hypz8s6]

  "Feb. 23, 1870

  "CHAP. XIX. – An Act to admit the State of Mississippi to Representation in the Congress of the United States

  "…"

U.S. Constitution, Fourteenth (14th) Amendment and the Law of Nations

The U.S. Constitution, Fourteenth (14th) Amendment must be declared "*null and void*" for being created in violation of international law as stated by "*Emerich de Vattel*" within his year 1797 writings of "*Law of Nations*."

At the time of the beginnings of our Nation, our founding fathers wrote into the U.S. Constitution (*as a compromise to the "Southern States" for ratification of the Constitution*) that "*Slavery*" was to be recognized as a legitimate occupation for a limited period of time. /[9] As the U.S Constitution was ratified on September 17, 1787, this provision of the U.S. Constitution on "*Slavery*" was written ten (10) years before the "*Law of Nations*" was given to us by "*Emerich de Vattel*." This provision of the U.S. Constitution is a statement that "*Slaves*" are not "*men*" (*as that word "men" is used in the "Declaration of Independence" of July 4, 1776*), but were "*property*" that may be taxed. This view and understanding of "*Negroes*" as "*Slaves*" was sustained by the U.S. Supreme Court in the case of Dred Scott vs. Sanford, 60 US 393 (1857) (http://tinyurl.com/ja45fyh).

By the time the "*American Civil War*" (*http://tinyurl.com/c6qhvjh*) of April 1861 came to an end, the "*Negros*" were no longer regarded as "*property*" to be owned as "*Slaves*," but were restored and liberated as "*freemen*" under the "*Thirteenth (13th) Amendment*" to the U.S. Constitution. /[10] This freedom was

---

[9]/ see "*U.S. Constitution, Article I, Section 9, Clause 1*" which states: "*The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person*."

[10]/ The "*U.S. Constitution, Thirteenth (13th) Amendment*" is a flawed Amendment for it was not proposed by a legitimate (dejure) U.S. Congress. As the lawful appointed U.S. Senators of those Southern (Confederated) States were not allowed to exercise their rights of "*suffrage*" (see "*U.S. Const., Art. V, Sec. 1, Cl. 1*") on the debates of the "*Resolutions*" that proposed the Thirteenth (13th) Amendment, that Amendment was not ratified as a lawful Amendment to the U.S. Constitution.

short lived for with the [*purported*] ratification of the "*Fourteenth (14th) Amendment*" to the U.S. Constitution, those former "*Slaves*" were once again "*enslaved*" with a new master being the "*U.S. Congress*."

Former President Abraham Lincoln was instrumental in the liberation of the "*Slaves*" with his "*Emancipation Proclamation*" (http://tinyurl.com/bnv256h). As part of his plan to free the "*Slaves*," he was preparing arrangements to transportation those freed "*Slaves*" back to their homeland of Africa or giving them the option of becoming "*citizens*" of our Nation. That plan was cut short with his assassination and with the [purported] ratification of the Fourteenth (14th) Amendment.

The Fourteenth (14th) Amendment was adopted and ratified as a "*forceful citizenship*" upon the "*Negro*" people. The newly freed "*Negros*" was given no choice of their country of citizenship, that being of their former countries of "*Africa*" or that of the "*United States*":

> "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. …" [*Emphasis added*].
>
> U.S. Constitution, Fourteenth Amendment, Section One.

Although the Fourteenth (14th) Amendment declares the "*citizenship*" of those who were "*Negros*" that were "*born*" or "*naturalized*" in the United States, this Amendment was also applied to "*Negros*" who were "*born*" in Africa. This Amendment declares that the "*United States*" has jurisdiction over the "*Negro*" population of our Nation which is an absurdity in law and fact.

Nowhere can it be found within the "*Laws of Nations*" that a people may be abducted from their homeland and under force of "*armament*" and "*chains*," be transported to a foreign land and be made citizens thereof. This is exactly what

the government of the "*United States*" has done with the "*Negro*" people in adopting the Fourteenth (14th) Amendment to the U.S. Constitution. No "*Amendment*" to a Constitution can compel a "*captured*" and an "*enslaved*" people to be citizens of a Nation nor can those "*captured*" and "*enslaved*" people be compelled to owe an "*allegiance*" to that Nation.

The Fourteenth (14th) Amendment declares that those who are born or naturalized in the "*United States*" are subject to the jurisdiction thereof, and with the U.S. Congress being granted by that Amendment to use "***force***" to enforce its will upon those people, the "*Negros*" are now enslaved to the U.S. Congress. /[11] Do you not understand why a majority of the "*Negro*" population don't regard themselves as "*citizens*" of our Nation owing no "*allegiance*" nor are bound by our laws?

The Fourteenth (14th) Amendment was proposed and is being used as a tool to abduct the "*citizens*" of the States of the Union and make those "*State citizens*" the "*citizens*" of the United States. Through deception and fraud, the U.S. Congress established "*Social Security Accounts*" for its Fourteenth Amendment "*citizens*" and then told the States (*and those who do business in those States*) that "*Social Security Account Numbers*" are mandatory as a matter of law. Today, we have parents registering their children with "*Social Security Account Numbers*" and business's mandating the production of "*Social Security Account Numbers*" believing that "*Social Security Account Numbers*" are required of those who are "*citizens*" of the States of the Union as a condition of employment. Once a child has been assigned a "*Social Security Account Number*," that child, as an adult, may not rescind that "*Number*." The production and use of "*Social Security Account Numbers*" is evidence of citizenship of the United States. /[12]

---

[11]/ see "*Section Five*" of the Fourteenth Amendment: "*The Congress shall have power to **enforce**, by appropriate legislation, the provisions of this Article.*"

[12]/ See U.S. State Department letter to Gordon Warren Epperly (http://tinyurl.com/j45nw8c).

Today, it is difficult (*if not impossible*) to locate those who may be "*citizens*" of a State without having the status of being "*citizens*" of the United States. /[13] As a matter of the "*Law of Nations*," any governmental body whom has no citizens of their own ceases to exist as a government with sovereign powers. In otherwords, with the transfer of "*citizens*" of the "*States*" to the "*United States*" goes the transfer of reserved powers of the "*People*" and "*States*" (*under Articles Nine and Ten of the "Bill of Rights" to the U.S. Constitution*) to the "*United States*." The "*States*" of the Union are no longer governments with sovereign powers as all their sovereign powers have been transferred to the government of the "*United States*."

Be advised that the "*United States*" is not a "*State*" of the Union /[14] and there were no "*citizens*" of the "*United States*" which were subject to the jurisdiction of the "*U.S. Congress*" at the time the U.S. Constitution was written and ratified. Those who are born as "*citizens*" of the States of the Union or were made "*citizens*" via the immigration laws of the day were recognized as "*Citizens*" of the United States. Please take notice that the word "*Citizen*" as used in the main text of the U.S. Constitution is spelled with an upper case letter "C" while the word "*citizen*" as created by the "*Fourteenth (14th) Amendment*" and used throughout the "*Amendments*" to the U.S. Constitution is spelled with a lower case letter "c". This is not a mistake in printing of the "*U.S. Constitution*" and the two citizenships are not one of the same.

---

[13]/ Most "*Constitutions*" of the "*States*" have been rewritten to mandate that one must be a "*citizen of the United States*" as a qualification of "*Office*" or to cast "*Votes*" at "*Elections*" of their "*States*."

[14]/ 20 CJS Section 1785 - "*The United States government is a foreign corporation with respect to a state*." N.Y. - In Re Merriam, 36 N.E. 505 141 N.Y. 479, affirmed 16 S.Ct. 1073, 163 U.S. 625, 41 L, Ed. 287.

Conclusion

The "*Legislatures*" of the States of the Union have spoken and they have declared that the Fourteenth (14th) Amendment to the United States Constitution was never proposed in accordance to several provisions of the U.S. Constitution nor was it ever ratified. The only question left: "*Will the U.S. Congress and the U.S. Supreme Court (with its inferior Courts) listen to the findings and messages of the Legislatures of the States or are they going to continue to be in rebellion with the People and States of this Nation*"?

The U.S. Constitution is not a popularity contest nor is it the property of the "*BAR Associations*" and their "*Federal*" and "*State Judges*" to use as they please. All enactments of "*Laws*" by the U.S. Congress which are founded upon the Fourteenth (14th) Amendment are without authority and they are all "*null and void*" ab initio. These pretended "*Laws*" need to be "purged" /[15] from the law books of our Nation. Without the foundation of a Constitution, no law can be made. Such pretended laws cannot obtain legitimacy through time, use, or acceptance.

All "*Rulings*" and "*Opinions*" of Federal and State Courts that rely upon the Fourteenth (14th) Amendment for their authority and existence are also null and void, ab initio. Without a provision of a Constitution, there is no authority for a Court of our Nation to impose its will through "*Rulings*" and "*Opinions*" upon the "*People*" and "*States*" of the Union. All "*Court Documents*" that run to and are founded upon the Fourteenth (14th) Amendment needs to be "*purged*" from the "*Records*" of the Courts.

---

[15]/ As pretended laws are not laws of the Nation, no law may be formed to "*repeal*" non-existent laws. The proper phrase is to "*purge*" pretended laws from the "*law books*."

When the "*People*" and their "*States*" of the Union are being held hostage to fraudulent "*Amendments*" /[16] to the U.S. Constitution, the "*People*" and "*States*" are in a state of "*involuntary servitude*" to defacto "*Officers*" and "*Judges*" of a defacto government of The United States of America. The "*People*" are under the commandment of the "*Declaration of Independence*" of July 4, 1776 to remove themselves from the tyranny of defacto governments.

Fourteenth (14th) Amendment Court Cases

Here is a list of ten (10) famous Court decisions that show the progression of the Fourteenth (14th) Amendment from Reconstruction to the era of affirmative action.

> ***The Slaughter-House Cases* (14 Apr 1873) [http://tinyurl.com/gvhkol6]** — In *the Slaughter-House Cases*, waste products from slaughterhouses located upstream of New Orleans had caused serious health problems for years by the time Louisiana decided to consolidate the industries into one slaughterhouse located south of the city. Slaughterhouse owners were incensed. They challenged the state's action citing the Fourteenth (14th) Amendment's Privileges and Immunities Clause as their remedy. The Court said that the Privileges and Immunities Clause only prevented the federal government from abridging privileges and immunities guaranteed in the Fourteenth (14th) Amendment and that the clause did not apply to the states. The move gutted the Privilege and Immunities Clause of its effect

[16]/ There is sufficient documentation that shows the Sixteenth (16th) Amendment [http://tinyurl.com/grlpx3b] and Seventeenth (17th) Amendment [http://tinyurl.com/77w28hf] were not proposed nor adopted in accordance with many provisions of the U.S. Constitution. As for the Seventeenth (17th) Amendment, it is null and void for no State (*whether in compact or individually*) may deprive any of its sister States of their rights of "*Suffrage*" in the U.S. Senate without that States' consent. (*see Article V, Section 1, Clause 1 of the U.S. Constitution*). Several U.S. Senators "*rejected*" the "*Resolution*" that proposed the Seventeenth (17th) Amendment and several States "*rejected*" the ratification of that Amendment. For want of a unanimous "*ratification vote*" by all the States in the Union, the Amendment failed ratification. [http://tinyurl.com/77w28hf].

and kept the door open for Jim Crow laws in the South. To this day the Privileges and Immunities Clause is seldom invoked.

***Plessy v. Ferguson* (18 May 1896)** [http://tinyurl.com/pcxkqsf] — The Louisiana legislature had passed a law requiring black and white residents to ride separate, but equal, train cars. In 1892, Louisiana police arrested Homer Adolph Plessy — who was seven-eighths Caucasian — for taking his seat on a train car reserved for "*whites only*" because he refused to move to a separate train car reserved for blacks. Plessy argued that the Louisiana statute violated the Thirteenth (13th) and Fourteenth (14th) Amendments by treating black Americans inferior to whites. Plessy lost in every court in Louisiana before appealing to the Supreme Court in 1896. In a 7-1 decision, the Court held that as long as the facilities were equal, their separation satisfied the Fourteenth (14th) Amendment. Justice Harlan authored the lone dissent. Passionately he clarified that the Constitution was color-blind, railing the majority for an opinion which he believed would match *Dred Scott* [http://tinyurl.com/ja45fyh] in infamy.

***Lochner v. New York* (17 Apr 1905)** [http://tinyurl.com/grajfqm] — Lochner, a baker from New York, was convicted of violating the New York Bakeshop Act, which prohibited bakers from working more than 10 hours a day and 60 hours a week. The Supreme Court struck down the Bakeshop Act, however, ruling that it infringed on Lochner's "*right to contract*." The Court extracted this "*right*" from the Due Process Clause of the Fourteenth (14th) Amendment, a move that many believe exceeded judicial authority.

***Gitlow v. New York* (08 June 1925)** [http://tinyurl.com/hturofp] — Prior to 1925, provisions in the Bill of Rights were not always guaranteed on the local level and usually applied only to the federal government. *Gitlow* illustrated one of the Court's earliest attempts at incorporation, that is, the process by which provisions in the Bill of Rights has been applied to the states. A socialist named Benjamin Gitlow printed an article advocating the forceful overthrow of government and was arrested pursuant to New York state law. Gitlow argued that the First Amendment guaranteed freedom of speech and the press. On appeal, the Supreme Court expressed that the First Amendment applied to New York through the Due Process Clause of the 14th Amendment. However, the Court ultimately ruled that Gitlow's speech was not protected under the First Amendment by applying the "clear and present danger" test.

The Court's ruling was the first of many instances of incorporating the Bill of Rights.

***Brown v. Board of Education* (17 May 1954)** [http://tinyurl.com/j2xg78j] — It is impossible to mention victories of the Civil Rights Movement without pointing to *Brown v. Board of Education*. Following the Court's ruling in 1896 of *Plessy v. Ferguson*, segregation of public schools based solely on race was allowed by states if the facilities were "*equal*." *Brown* overturned that decision. Regardless of the "*equality*" of facilities, the Court ruled that separate is inherently unequal. Thus public school segregation based on race was found in violation of the 14th Amendment's Equal Protection Clause.

***Mapp v. Ohio* (19 Jun 1961)** [http://tinyurl.com/h63jyn2] — What happens when the police obtain evidence from an illegal search or seizure? Before the Court's decision in *Mapp*, the evidence could still be collected, but the police would be censured. Police had received a tip that a bombing suspect might be located at Dollree Mapp's home in suburban Cleveland, Ohio. When police asked to search her home, Mapp refused unless the police produced a warrant. The police used a piece of paper as a fake warrant and gained access to her home illegally. After searching the house without finding the bombing suspect, police discovered sexually explicit materials and arrested Mapp pursuant to state law that prohibited the possession of obscene materials. Mapp was convicted of possessing obscene materials and faced up to seven years in prison before she appealed her case on the argument that she had a First Amendment right to possess the material. The Court held that evidence collected from an unlawful search — as this search obviously had been — from be excluded from trial. Justice Clark's majority opinion incorporated the Fourth Amendment's protection of privacy using the Due Process Clause of the 14th Amendment, a very controversial move.

***Gideon v. Wainwright* (18 Mar 1963) [http://tinyurl.com/mnxog3m]** — Prior to 1962, indigent Americans were not always guaranteed access to legal counsel despite the Sixth Amendment. Gideon, a Florida resident, was charged in Florida state court for breaking and entering into a poolroom with the intent to commit a crime. Due to his poverty, Gideon asked the Florida court to appoint an attorney for him. The court declined to do this and pointed to state law which said that the only time indigent defendants could be appointed an attorney was when charged with a capital offense. Left with no other choice, Gideon represented himself in trial and lost. He filed a petition

of habeas corpus to the Florida Supreme Court, arguing that he had a constitutional right to be represented with an attorney, but the Florida Supreme Court did not grant him any relief. A unanimous United States Supreme Court said that state courts are required under the 14th Amendment to provide counsel in criminal cases to represent defendants who are unable to afford to pay their own attorneys, guaranteeing the Sixth Amendment's similar federal guarantees.

***Griswold v. Connecticut* (07 Jun 1965)** [http://tinyurl.com/gnacpnm] — You know when you're walking down the street at night with lights in front of you and behind you, and you get that really dark shadow? In the scientific community, that shadow is known as an "*umbra*." Flanking that dark shadow on the ground are two or more, half-shadows, not quite as dark, but darker than the well-lit sidewalk around you. Those shadows are known as "*penumbras*" and were used to explain the most controversial issue of arguably the most controversial Supreme Court case in the 20th century. Estelle Griswold was the director of a Planned Parenthood clinic in Connecticut when she was arrested for violating a state statute that prohibited counseling and prescription of birth control to married couples. The question before the Supreme Court was whether the Constitution protected the right of married couples to privately engage in counseling regarding contraceptive use and procurement. Justice Douglas articulated that although not explicit, the penumbras of the Bill of Rights contained a fundamental "*right to privacy*" that was protected by the 14th Amendment's Due Process Clause. *Griswold*'s "*right to privacy*" has been applied to many other controversial decisions such as *Eisenstadt* [http://tinyurl.com/jrxbuqm] and *Roe v. Wade* [http://tinyurl.com/jebyxbf]. It remains at the core of substantive due process debate today.

***Loving v. Virginia* (12 Jun 1967)** [http://tinyurl.com/nnawqeh] — By 1967, 16 states had still not repealed their anti-miscegenation laws that forbid interracial marriages. Mildred and Richard Loving were residents of one such state, Virginia, who had fallen in love and wanted to get married. Under Virginia's laws, however, Richard, a white man, could not marry Mildred, a woman of African-American and Native American descent. The two travelled to Washington D.C. where they could be married, but they were arrested state law which prohibited inter-racial marriage. Because their offense was a criminal conviction, after being found guilty, they were given a prison sentence of one year. The trial judge suspended the sentence for 25 years on

the condition that the couple leave Virginia. On Appeal, the Supreme Court of Appeals of Virginia ruled that the state had an interest in preserving the "*racial integrity*" of its constituents and that because the punishment applied equally to both races, the statute did not violate the Equal Protection Clause of the 14th Amendment. The United States Supreme Court in a unanimous decision reversed the Virginia Court's ruling and held that the Equal Protection Clause required strict scrutiny to apply to all race based classifications. Furthermore, the Court concluded that the law was rooted in invidious racial discrimination, making it impossible to satisfy a compelling government interest. The *Loving* decision still stands as a milestone in the Civil Rights Movement.

Regents of the University of California v. Bakke **(26 Jun 1978) [http://tinyurl.com/zk9b7u8]** — Allan Bakke, a white man, had been denied access to the University of California Medical School at Davis on two separate occasions. The medical school set aside 16 spots for minority candidates in an attempt to address unfair minority exclusion from medical school. All 16 candidates from both years had test scores lower than Bakke's but gained admission. Bakke contested that his exclusion from the Medical School was entirely the result of his race. The Supreme Court ruled in a severely fractured plurality that the university's use of strict racial quotas was unconstitutional and ordered that the medical school admit Bakke, but it also said that race could be used as one of several factors in the admissions process. Justice Lewis F. Powell, Jr., cast the deciding vote ordering the medical school to admit Bakke. However, in his opinion, Powell said that the rigid use of racial quotas violated the equal protection clause of the 14th Amendment.

In addition to these 10 famous cases, this June's 2015 decision in *Obergefell v. Hodges* [http://tinyurl.com/owqjg72], which recognized a national right to same-sex marriage, will likely join the list of notable Fourteenth (14th) Amendment cases. In the Court's 5-4 decision, Justice Anthony Kennedy held that:

> "*the Fourteenth Amendment requires a State to license a marriage between two people of the same sex and to recognize a marriage between two people of*

the same sex when their marriage was lawfully licensed and performed out-of-State."

The "*Court Rulings*" of the Federal Courts are without effect "*null and void ab initio*" for want of nominated "*Federal Judges*" ("*U.S. Supreme Court Justices*") being confirmed into "*Office*" by a lawful (*dejure*) U.S. Senate. With the [*purported*] ratification of the Seventeenth (17th) Amendment to the U.S. Constitution on April 8th, 1913; /[17] no U.S. Senator has been "*appointed*" into "*Office*" of the U.S. Senate by the "*Legislature*" of their States, leaving the U.S. Senators of today's U.S. Congress without constitutional authority to represent the "*Legislatures*" of their States in the U.S. Congress as required by "*U.S. Constitution, Article I, Section 3, Clause 1.*" The "*States of the Union*" are without representation in the Congress of The United States of America as envisioned by the founding fathers of our Nation.

As there are no States of the Union being represented in the U.S. Congress, there are no "*U.S. Senators*" that have the "*Office Qualifications*" to confirm a nominated "*Federal Judge*" into "*Office*" as mandated by "*U.S. Constitution, Article II, Section 2, Clause 2.*" Today, there are no lawful (*dejure*) "*Judges*" or "*U.S. Supreme Court Justices*" administering the "*Federal Courts*" of The United States of America.

When our "*Federal*" and "*State Courts*" are in rebellion with our Heavenly Father and his "*Commandments*," the "*Judges*" of those "*Courts*" have stepped over the line by placing the "*People*" in the awkward position of having to make the "*abominations*" of the "*Holy Bible*" the law of the land. As for me, I will chose the ways of the "*Heavenly Father*" by showing respect and honor for his "*Commandments.*"

---

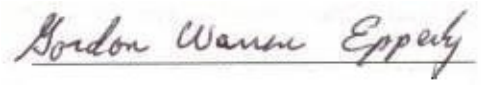
[17]/ For discussion on the Seventeenth (17th) Amendment, see footnote number "*16*" on page 35.

/////

/////

/////

Respectfully Submitted



Gordon Warren Epperly
P.O. Box 34358
Juneau, Alaska 99803

enter7740@14th-amendment.com

Tel: (907) 789-5659